

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of

A National Broadband Plan for Our Future)
)
)

GN Docket No. 09-51

NOTICE OF INQUIRY

Comment Date: June 8, 2009

I. INTRODUCTION

II. BACKGROUND

III. DISCUSSION

1. No comment

A. Approach to Developing the National Broadband Plan

2. No comment

3. No comment

B. Establishing Goals and Benchmarks

4. No comment

1. Defining Broadband Capability

5. No comment

6. The terms “advanced telecommunications capability,” “broadband,” and “high-speed Internet” should have distinct and separate definitions and should be used appropriately instead of interchangeably. The definition of broadband by speed alone is very dangerous and potentially causes financial hardship in rural areas due to matching funds limitations.

7. The definition of “broadband” should be tethered to a numerical definition or, instead, an “experiential” metric based on the consumer’s ability to access sufficiently robust data for certain identifiable broadband services. Performance metrics apply for the end-to-end path. Development of the middle mile is extremely important in rural America. This is the most significant

cause for lack of connectivity in rural America.

8. The definition of broadband should be dynamic, with speed tiers that adjust with changes in technology.

9. No comment

10. No comment

11. No comment

12. No comment

2. Defining Access to Broadband

13. No comment

14. No comment

15. Unserved areas should come first.

16. No comment

17. No comment

18. No comment

3. Measuring Progress

19. No comment

20. No comment

21. No comment

22. No comment

23. No comment

24. No comment

4. Role of Market Analysis

25. No comment

C. Effective and Efficient Mechanisms for Ensuring Access

26. No comment

1. Market Mechanisms

27. Controlling the predatory practices of many of the larger telecommunications service providers will significantly improve market function.

Market-based policies have been unsuccessful in developing the middle mile in underserved LATAs around the nation. In general most sparsely populated LATAs receive only the minimum services required by tariffs. This is significantly holding back innovative broadband development in many LATAs controlled by ILECs.

Yes, there are ways to distinguish between those areas that would receive service without government funding and those that would not. If broadband is not there today, government funding is required. Consolidation in some parts of the telecommunications industry has hindered broadband deployment by reducing competition

and diversity.

2. Determining Costs

28. It is extremely useful and necessary for the Commission to understand the costs of deploying broadband networks to the unserved and underserved areas of our country. Whenever matching funds (Erate, RHCPP, et al) are required, it is critical to know the the economic status of the target customer.

It is not possible for the national broadband plan to bring broadband to 100 percent of the country. It is, however, possible to get close. Independent rural phone companies and co-operatives offer a significant source for cost estimations and local information.

3. Universal Service Programs

29. The following modifications to the RHCPP should be considered as a part of a national broadband plan:

Include all telemedicine originating sites to be consistent with other federal programs, such as CMS that now includes skilled nursing facilities, behavioral health centers, and dialysis centers.

Currently, the majority, especially rural, of ambulance services in the nation are not eligible for Universal Service Fund support due to interpretation of Congressional intent in the Telecommunications Act of 1996. However, the utilization of telecommunications from the accident scene and enroute care to patients is increasing every day. Ambulances should be considered a telemedicine originating site.

“...enhance the health care community’s ability to provide a rapid and coordinated response in the event of a national crisis” is part of the FCC statement creating the RHCPP. Yet, the State, County, and City medical emergency staff charged with co-ordinating emergency activities during times of crisis are not allowed to connect to the RHCPP backbone under the current rules because they are not generally located in care-giving facilities. Appropriate medical emergency staff at the State, County, and City level should be considered “eligible entities”.

30. No comment

31. No comment

4. Wireless Service Policies

32. No comment

33. No comment

34. No comment

35. No comment

36. . No comment

5. Open Networks

37. No comment

38. No comment

6. Competition

39. No comment

7. Other Mechanisms

40. No comment

41. No comment

D. Affordability and Maximum Utilization

42. No comment

43. No comment

1. Affordability

44. No comment

2. Maximum Utilization

45. No comment

46. No comment

47. No comment

3. Broadband Privacy

48. No comment

49. Most consumers have expectations of privacy when using broadband services. They expect web sites to collect data but not their transport companies.

Some average consumers may be aware of the technological ability that broadband providers have to perform functions such as deep packet inspection but they do not really understand the full impact. It is safe to assume that the average “knowing” user does not give this a second thought and the impact of this activity would be very small on their broadband usage. However, were there to be a concerted effort to inform the “average” user of this capability on the part of providers, I would expect significant reactions from users.

Deep packet inspection by providers and behavioral advertising

analysis in “transport” is an invasion of reasonable expectations of privacy. It is electronic eavesdropping/ wiretapping. Behavioral analysis at a web site which has been visited by the consumer is a different concept. The Commission should prevent this type of privacy invasion during transport by service providers for their own “commercial” reasons. This industry is not capable of self-regulation.

50. The Commission should consider as part of its plan the exercise of its ancillary jurisdiction to address broadband privacy issues.

E. Status of Deployment

1. Subscribership Data and Mapping

51. The data should be collected based on RUCA codes not Census Tracts in general.

2. Stimulus Grant and Loan Programs

52. No comment

F. Specific Policy Goals of the National Broadband Plan

53. No comment

1. Advancing Consumer Welfare

54. No comment

55. No comment

56. Yes, consumers feel secure when they can calibrate the privacy level of their broadband communications.

Applications providers play a key roll in guarding privacy so as to encourage greater use of broadband-enabled services such as photo sharing, online tax filing and bill payment, remote data storage, social networking, and others?

Yes, data retention policies and fears that digital records are “permanent” will inhibit use of broadband technologies for some but apathy “still reigns supreme” for the masses.

57. Yes, consumer welfare would be enhanced by more disclosures to customers of all limitations that providers place on broadband services, including limitations that may be placed on service on a temporary or intermittent basis, to deal with network congestion or for other reasons?

58. No comment

59. No comment.

2. Civic Participation

60. No comment

61. No comment

3. Public Safety and Homeland Security

62. No comment

63. Broadband service providers and operators should adhere to specific standards or best practices in all cases. Some circuits will require even more stringent security.

Yes, the Commission should adopt a process whereby communications providers can certify their compliance with specific standards and best practices.

The NSA is best positioned to take the lead inter-agency coordination role for protecting against and responding to cyber security attacks.

64. No comment

65. No comment

66. No comment

67. No comment

68. No comment

69. No comment

4. Community Development

70. Focus on "community" networks.

5. Health Care Delivery

71. No comment

72. No comment

73. Currently, the majority, especially rural, of ambulance services in the nation are not eligible for Universal Service Fund support due to interpretation of Congressional intent in the Telecommunications Act of 1996. However, the utilization of telecommunications from the accident scene and enroute care to patients is increasing every day. Ambulances should be considered a telemedicine originating site.

74. No comment

75. No comment

6. Energy Independence and Efficiency

76. No comment

77. No comment

7. Education

78. No comment

79. No comment

- 80. No comment
- 81. No comment
- 82. E-rate is too complex and anal.
- 83. No comment
- 8. Worker Training
- 84. No comment
- 9. Private Sector Investment
- 85. No comment
- 86. No comment
- 87. Research and Development. There should be a facilitation for supporting research in this plan. Significant additional research activities will help the U.S. maintain its lead in technical science..
- 10. Entrepreneurial Activity
- 88. No comment
- 89. No comment
- 90. No comment
- 91. No comment
- 11. Job Creation and Economic Growth
- 92. No comment
- 93. No comment
- 12. Other National Purposes
- 94. No comment
- 95. No comment
- G. Relationship between the Recovery Act and Other Statutory Provisions
- 96. No comment
- 97. No comment
- 98. No comment
- 99. No comment
- 100. No comment
- 101. No comment
- H. Improving Government Performance and Coordination with Stakeholders
- 102. No comment
- 103. Coordination among Federal Departments, Agencies, and Others. Encourage community networks and joint participation.
- 104. No comment
- 105. Public/Private Partnerships and Cooperatives. The concept

of “community” networks should be the central focus of the National broadband efforts. This is especially true for underserved and unserved areas both rural and urban.

Traditional FCC programs and others from other Federal agencies are often “siloed”, overly restrictive, and require matching funds.

Participant communities are often forced into deploying individual circuits that are significantly underutilized and each requiring matching funds. The ability to share easily circuits and capacity would significantly reduce sustainability problems in rural America.

These partnerships would be much more effective when occurring at the local level. A number of successful community networks exist around the Nation.

106. No comment

107. Yes, there should be a new, single website that all departments and agencies tasked with implementing broadband initiatives should use to inform members of the public regarding their programs. All information should be easily downloadable in multiple standard formats.

108. No comment

109. This sounds like “jobs for the boys” and a proposal that has a high potential of failure due to poorly trained bureaucrats.

110. No comment

111. No comment

112. Data Sharing. Potential sources of data to measure the nation’s progress toward achieving universal broadband availability are major universities, the Internet2 organization, the National Lambda Rail organization, the Regional Optical Networks (RONs) around the US, and the many regional aggregation points (Gigapops) found in Higher Education..